

**Supplemental  
Notice of Allowability**

Application No.

09/980,263

Examiner

Sandra Wegert

Applicant(s)

SOREQ ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/31/05.
2. ☒ The allowed claim(s) is/are 1, 2 and 5 (renumbered as 1, 2 and 3).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JANET L. ANDRES**  
**SUPERVISORY PATENT EXAMINER**

### SUPPLEMENTAL ACTION

An examiner's Reasons for Allowance appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The Affidavit filed under 37 CFR 1.132, entered 5 November 2004, is sufficient to overcome the rejections of claims based upon 35 U.S.C 112, first paragraph "Scope of Enablement" and 35 U.S.C 112, second paragraph, for the term "central nervous system stress." The examiner is no longer in agreement with the statement made previously (16 May 2005) that the 37 CFR 1.132 Declaration is insufficient to overcome the rejection of claims 1, 2 and 5 based upon 35 USC 112, first paragraph. As stated in the 37 CFR 1.132 Declaration (page 3, §4), "Stress is understood as a physiological (and psychological, when referring specifically to humans) state, which is triggered in response to *altered internal and environmental conditions*" (italics added). After discussing claim language with the Applicant's representative on 17 October 2005, it was agreed that "stress" is indeed the only appropriate word useful for describing the several conditions applied to the experimental subjects, as disclosed in the instant

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Specification. In addition, "stress" is defined throughout the Specification in ways similar to the definition in the 37 CFR 1.132 Declaration.

The antibody of the instant Application is specific for a splice variant of acetylcholinesterase that occurs in mammals under conditions of physical stress or fear-induced stress. The claims of the instant application are directed to polyclonal and monoclonal antibodies directed against the C-terminal of the enzyme, which is the unique portion of the AChase variant. The claims are free of the prior art as the cognate peptide has not been disclosed or studied in the prior art. The specification provides experimental evidence of utility and enablement under 35 U.S.C. 112, first paragraph. The claims also meet 35 U.S.C. 112-second paragraph requirements because the claims point out and distinctly claim the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Advisory information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Wegert whose telephone number is (571) 272-0895. The examiner can normally be reached Monday - Friday from 9:00 AM to 5:00 PM (Eastern Time). If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Brenda Brumback, can be reached at (571) 272-0961.

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The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLW

5 December 2005